

Issued July 8, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 905, FOOD AND DRUGS ACT.

MISBRANDING OF CHEESE.

On or about July 30, 1910, and August 12, 1910, the Cuddy Cheese Company, Sheboygan, Wis., shipped from the State of Wisconsin into the State of Maryland two consignments of a food product labeled: "Cuddy Cheese Company, Selected Full Cream Cheese (picture of red cross with word 'Cheeses' printed across the arms) Sheboygan, Wis." Examination made by the Bureau of Chemistry, United States Department of Agriculture, of one box of cheese taken from the former of the above shipments showed it to be short in weight, being marked on the box "49," when the actual weight thereof was only 47 pounds 9 ounces; examination made by said Bureau of one box taken from the latter shipment showed it to be also short in weight, being marked "50," when the actual weight was only 48 pounds; the numbers above referred to being understood in the usage of the trade as declarations of the number of pounds of cheese contained in each box so marked. In addition to the above boxes, 59 other boxes containing these shipments were weighed and showed a total net shortage of 98 pounds. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Cuddy Cheese Company, and the parties from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On February 11, 1911, a criminal information was filed in the District Court of the United States for the Eastern District of Wisconsin against the said Cuddy Cheese Company, charging the shipment of July 30, 1910, and alleging that the product so shipped bore a label which, among other things, contained information that the box or package containing said cheese contained 49 pounds of that

product, which was false and misleading for the reason that the box in question only contained 47 pounds 9 ounces of cheese.

On February 13, 1911, the defendant company appeared by John Cuddy, its president, and entered a plea of guilty to the above information, whereupon the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 23, 1911.*

905

